

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Luis M. Rodriguez, Special Agent of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), being duly sworn, depose and state under oath that:

1. Your affiant is employed as a Special Agent with the Immigrations and Customs Enforcement (ICE), Homeland Security Investigations (HSI), San Juan, Puerto Rico, and have been employed since March 2023. As a Special Agent, my responsibilities include conducting investigations of alleged manufacturing, distribution, or possession of controlled substances (21 U.S.C. § 841(a)(1), importation of controlled substances (21 U.S.C. § 952(a), smuggling of goods into the United States (18 U.S.C. § 545), and other related offenses.
2. Your affiant has been employed by the Department of Homeland Security (DHS), HSI as a Special Agent since March 2023. Prior to starting with HSI, I worked as a Deportation Officer for the Department of Homeland Security (DHS) Enforcement Removal Operation (ERO) in New York City, New York. Prior to starting my federal career in 2021, I was a Detective for the New York City Department from 2000 to 2021. During my tenure in the New York City Police Department, I worked in multiple commands; however, the bulk of my career was in the Intelligence Bureau, where I worked narcotics and terrorism investigations.
3. The facts and information contained in this affidavit are based on my personal knowledge, as well as upon information received in my official capacity from other individuals, including other federal, state and local law enforcement officers. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint charging Luis HERNANDEZ-Rosario (HERNANDEZ-Rosario) with violating, 8 U.S.C. § 1326(a) and (b)(1) – Reentry of Removed Aliens subsequent to a felony conviction. I have not included each and every fact known to me

concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to support this criminal complaint.

PROBABLE CAUSE

4. On January 24, 2025, HSI San Juan, received information from a source of information (SOI), that a convicted criminal, who had previously been deported from the United States was going to be eating in restaurant located in the vicinity of Capetillo Ward, near the Lopez Sicardo Public Housing Project (PHP). HSI agents received a photo and information that the subject frequented a restaurant located opposite to the Minyety Rolling Doors business located at 356 Ramon B. Lopez Avenue, Rio Piedras, Puerto Rico.

5. At approximately 12:00 P.M. HSI along with the San Juan Municipal Police went to the area and after initially not encountering the individual at the restaurant, HSI agents and TFOs noticed a gray in color Jeep Cherokee SUV that, according to Puerto Rico government records, belonged to the person they were looking for. The Jeep was parked in the parking lot of the Mega Fresh supermarket located at 358 Ramon B. Lopez Avenue. HSI SAs and TFOs entered the Mega Fresh supermarket in search of the criminal alien.

6. HSI SAs and TFOs encountered an individual they thought may be the person they were looking for and asked him for an identification. The individual was not the person they were looking for, but agents would later identify the person they approached Luis HERNANDEZ-Rosario. He stated that he did not have any identification on him. Agents recognized a Dominican accent and asked HERNANDEZ-Rosario his name and date of birth. HSI SAs called Law Enforcement Support Center (LESC) with that information and learned that HERNANDEZ-Rosario was previously removed and was here illegally.

7. HERNANDEZ-Rosario admitted freely that he was removed “over 10 years ago and that he reentered Puerto Rico illegally.” HERNANDEZ-Rosario was arrested and taken to SAC San Juan offices for processing.

8. Upon arriving at SAC San Juan HSI offices, record checks in law enforcement databases based on his fingerprints and biographic information revealed that HERNANDEZ-Rosario was previously removed and had a criminal history. Record checks indicated that HERNANDEZ-Rosario was convicted of False Claim to Citizenship in violation of 18 U.S.C. § 911 on February 12, 2013. Also, HERNANDEZ-Rosario was ordered removed from the United States on June 20, 2012.

9. Agents gave *Miranda* warnings to HERNANDEZ-Rosario, which he read, understood and waived. HERNANDEZ-Rosario admitted he is a citizen and national of the Dominican Republic and that he has been previously arrested and removed from the United States. Furthermore, HERNANDEZ-Rosario stated that he re-entered Puerto Rico via *yola*¹ boat. The interview lasted approximately 10 minutes.

10. On March 22, 2007, HERNANDEZ-Rosario was convicted in Wisconsin under false name Alexandro Martinez at the state level of a drug offense and was sentenced to one-year of incarceration.

11. On January 27, 2012, HSI agents assisting with a drug search warrant at a residence in Gloucester, Massachusetts, spoke to HERNANDEZ-Rosario, who was a suspect at the location. During the conversation, HERNANDEZ-Rosario falsely claimed to be a lawful legal resident. On February 12, 2013, HERNANDEZ-Rosario was convicted of False Claim to Citizenship in violation of 18 U.S.C. § 911 and was sentenced to 15 months in prison.

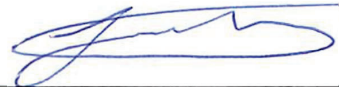
¹ Small, wooden, often makeshift, boat.

12. On June 20, 2012, HERNANDEZ-Rosario was ordered removed by an Immigration Judge in Boston, Massachusetts. On August 21, 2013, HERNANDEZ-Rosario was removed from the United States via ICE Air OPs, to the Dominican Republic.

CONCLUSION

13. Based on the facts set forth above, I submit that there exists probable cause to charge Luis HERNANDEZ-Rosario with violating 8 U.S.C. § 1326(a) & (b)(1)– Reentry of Removed Aliens subsequent to a felony conviction. I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

14. I hereby declare that the foregoing is true and correct to the best of my knowledge pursuant to the investigation conducted in this matter.



Luis M. Rodriguez
Special Agent
Homeland Security Investigations

Sworn and subscribed in accordance with Fed. R. Crim. 4.1 by telephone
on January 24, 2025, at 9:22 PM



Giselle López-Soler
United States Magistrate Judge
District of Puerto Rico



Digitally signed
by Hon. Giselle
López-Soler